

REMARKS

Claims 2-11, 13-14, and 16 are pending. The support for the amendment to Claim 11 is in canceled claim 15. No new matter is added.

Claims 2-7, 11 and 16 are rejected under 35 USC 103(a) as being unpatentable over Whitaker (USP 3,463,145) in view of Hoshino (US 2002/1063231). (Office Action p.2)

Claim 11 is amended with the subject matter of claim 15 making this rejection, of claim 11 and claims dependent thereon, now moot.

Claims 8, 10, 13 and 15 are rejected under 35 USC 103(a) as being unpatentable over Whitaker (USP 3,463,145) in view of Hoshino (US 2002/1063231) and further in view of Bavaresco (USP 6,357,825). (Office Action p.5)

The claimed invention is not made obvious in light of the combination of cited art for the following reasons:

In the electrically activated therapeutic chair of Whitaker, as shown in FIGS. 1-3, the screw shaft 19 screws through the center of cylindrical member 20 and thereby the chair 23 can only swing forward and backward as described in col. 2, lines 9-10 and lines 32-40.

Accordingly, even if the chair 23 is replaced with the chair 10 disclosed by Hoshino, the chair 10 can also only swing forward and backward, as the chair of Hoshino does not swing in different directions.

Thus, the combined teaching of Whitaker and Hoshino fail to suggest the claimed subject matter, for example, “a direction of the relative positional displacement between the foot position and the position of center of gravity is limited to a direction of flexion and extension of a knee joint of the user.”

Furthermore, Whitaker and Hoshino fail to teach the invention as now claimed, namely, “the saddle is oscillated between a position where the saddle is in the upright posture against the base and a position where the saddle is inclined in a forward left or forward right direction.”

The rejection states that Bavaresco teaches a saddle adjusted mechanism that would allow the saddle to oscillate between an upright and a forward left/right position, as shown in FIG. 1, at 6-7.

On the contrary, Bavaresco shows two saddles, arranged side-by-side and each having a forward portion hinged to point upward and downward. Bavaresco does not disclose a one-piece saddle which is oscillated between the upright position and a position where the entire saddle is tilted to be inclined in a forward left or a forward right position, as shown in FIGS 4A, 4B of the instant application.

For these reasons the combination of cited art simply fails to teach the invention now claimed. The combined art does not, in fact, establish a *prima facie* conclusion of obviousness. Thus, it is respectfully requested that the rejection be reconsidered and withdrawn.

Claims 8-9 and 13-14 are rejected under 35 USC 103(a) as being unpatentable over Whitaker (USP 3,463,145) in view of Hoshino (US 2002/1063231) and further in view of Jamieson (USP 608,682). (Office Action p.2)

Claim 11 is amended with the subject matter of claim 15 making this rejection, of claim 11 and claims dependent thereon, now moot.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105.

Dated: November 15, 2010

Respectfully submitted,

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